

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 31

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ATTILA BERECK, KLAUS FLORY AND MATTHIAS KUMMER

Appeal No. 95-1506
Application No. 07/504,881¹

HEARD: October 14, 1998

Before SOFOCLEOUS, GARRIS, and WEIFFENBACH, Administrative Patent Judges.

SOFOCLEOUS, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 10 to 18. Claim 9 stands withdrawn from consideration as being directed to a non-elected invention. Subsequent to the final rejection, the examiner entered appellants' amendments (Paper Nos. 15 and 19), which substituted claim 19 for claim 10. Thus, claims 11 to 19 are all the claims before us on this appeal.

¹ Application for patent filed April 5, 1990.

The subject matter on appeal is directed to improved processes for preparing aqueous solutions of N-methylol derivatives of carboxamides, urethanes, ureas and aminotriazines and/or the N-methylol ethers of carboxamides, urethanes, ureas and aminotriazines. There are three different aspects of appellant's claimed invention, each having in common the utilization of a boron containing catalyst. The first aspect, which is the subject of claim 11, concerns a process for preparing aqueous solutions of N-methylol compound of a carboxamide, urethane, urea or aminotriazine comprising reacting said carboxamide, urethane, urea or aminotriazine with formaldehyde using a catalyst selected from the group consisting of boron trifluoride, a boron trifluoride addition compound, tetrafluoroboric acid, and a salt of tetrafluoroboric acid. The second aspect, which is the subject of claims 12 to 18, concerns a process for preparing aqueous solutions of N-methylol ether of a carboxamide, urethane, urea or aminotriazine comprising reacting the corresponding N-methylol compound with an alcohol in the presence of a catalyst selected from the group consisting of boron trifluoride, a boron trifluoride addition compound and tetrafluoroboric acid. The third aspect, which is the subject of claim 19, concerns a process for preparing an aqueous solution of an N-methylol ether of a carboxamide, urethane, urea or aminotriazine comprising reacting said carboxamide, urethane, urea or aminotriazine with formaldehyde and an alcohol in an aqueous solution using a catalyst selected from the group consisting of boron trifluoride, a boron trifluoride addition compound, tetrafluoroboric acid and a salt of tetrafluoroboric acid. The novelty of the three aspects of appellants' processes resides in the use of the aforementioned catalyst.

In the brief, appellants have argued the claims separately as grouped above. Claim 11 is sufficiently representative of the claims on appeal and reads as follows:

Claim 11

A process for preparing an aqueous solution of an N-methylol compound of a carboxamide, urethane, urea or aminotriazine that is suitable for finishing a cellulose-containing textile material comprising reacting said carboxamide, urethane, urea or aminotriazine with formaldehyde in an aqueous solution, further comprising adding a member selected from the group consisting of boron trifluoride, a boron trifluoride addition compound, tetrafluoroboric acid, and a salt of tetrafluoroboric acid to the aqueous solution during said reaction.

The reference relied upon by the Examiner is:

Yamamoto et al (Yamamoto)	3,840,339	Oct. 8 1974
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Claims 11 to 19 stand rejected under 35 U.S.C. § 112, first paragraph, and under 35 U.S.C. § 103 as being unpatentable over Yamamoto.

After having reviewed the arguments in both appellants' brief and the Examiner's Answers, we find that we cannot sustain these rejections for the reasons set forth in appellants' brief with which reasons we fully agree and adopt as our own.

Appeal No. 95-1506
Application No. 07/504,881

No period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

REVERSED

MICHAEL SOFOCLEOUS)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
BRADLEY R. GARRIS)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
)	
CAMERON WEIFFENBACH)	
Administrative Patent Judge)	

MS/sld

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